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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,406	08/04/2003	Amir Lehr	PDS-003C2	7790
39933	7590	08/01/2007		
POWERDSINE LTD. C/O LANDONIP, INC 1700 DIAGONAL ROAD, SUITE 450 ALEXANDRIA, VA 22314-2866			EXAMINER TRAN, VINCENT HUY	
			ART UNIT 2115	PAPER NUMBER
			MAIL DATE 08/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/634,406

Applicant(s)

LEHR ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 130-132 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 130-132 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) ' \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 6/6/07.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application  
 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is responsive to the communication filed on 6/6/07.
2. Claims 130-132 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 6/6/07 were considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 130 and 131 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“Said controller being operative responsive to said control input indicating that the mains fed power is not available to supply power to the memory from said second internal power supply.” Examiner fails to comprehend the above claimed language.

Examiner will assume “said controller being operative to said control input indicating that the mains fed power is not available to supply power to the memory from” the first internal power supply receiving power from the second internal power supply.

***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 130-132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horning in view of Flannery U.S. Patent No. 5,799,196 or Ashton et al. U.S. Patent No. 7,116,761 ("Ashton"), or Reddick et al. U.S. Patent No. 6,033,101 ("Reddick").

10. As per claim 130, Horning teaches a computer for use in local area network the computer comprising:

a memory [16 fig. 1];

a first internal power supply [32 fig. 1], said first internal power supply being a mains fed power supply;

a second internal power supply [34 fig. 1] said the second power supplying being a secondary power supply;

a controller [38 fig. 1] receiving a control input from first internal power supply indicative of mains fed power availability [col. 6 lines 20-33];

said controller being operative responsive to the control input indicating the mains fed power is not available to supply power to the memory from the first power supply receiving power from the second internal power supply [col. 6 lines 27-37; from col. 6 lines 61 to col. 7 line 3].

The system of Horning is inefficient since it relied on a battery to provide backup power to the memory; as such, during the duration of main power outages, the system continuously monitors the status of the backup power supply and, if the backup power supply is discharged to the point where there is only enough energy to accomplish the data transfer task, the system will automatically initiate the data transfer from a volatile memory to a non-volatile memory to ensure complete data integrity.

Horning fails to teach the second internal power supply being fed power received via communication cabling from an external power source. However, such feature as to received a secondary power source via a communication cabling is well known in the art at the time of the invention was made. For example:

Flannery teaches another method and computer system for receives standby power from a peripheral bus incorporating a power source independent of the main power supply unit of the computer system. Specifically, Flannery teaches the system [100 fig. 1A] comprises two types of logic [112, 110 fig. 1A] which are coupled to the main power supply unit [118 fig. 1A] so that they draw power from the first power source when the computer is operating normally; and wherein the second types of logic [such as main memory – col. 5 lines 50-57; 110 fig. 1A], the continually powered logic, is coupled to a control switch on the main power supply unit and further coupled to the second power source [114 fig. 1A] which being fed via a communication

cable [USB] from an external power source [104A – 108 fig. 1A] such that, when the main power supply unit is turned off, the second types of logic remains active by drawing power from the communication cable [USB] [col. 2 lines 21-37; col. 6 line 48 to col. 7 line 15]. As taught by Flannery, the advantage of the system is that it combines the ability of the USB to provide an alternative low power source to supply the power needs in a computer when the main power supply is turn off without the inefficacies of a dual stage power supply unit or the expense of incorporating both low power and full power supply unit [col. 2 line 62 to col. 3 line 2].

Ashton teaches another invention to provide a system and method for reliably powering a fiber optic communication network with AC power under normal operating condition and DC backup power when the AC is interrupted, thus providing lifeline telephony service where lifeline telephony means that the customer telephones must remain energized and operating during an AC power [local power source] interruption and outage. Specifically, Ashton teaches when a power outage occurs [local power source], power from the communication cable [36, 38 fig. 1, 4 – remote power source] supplying the necessary voltage to keep alive the telephones 30 [col. 4 lines 38-55]; as taught by Ashton, this configuration ensure that lifeline telephony is provided to the customer at all times including during the period of power outages [col. 5 lines 59-67].

Reddick teaches another system for delivering electrical power and video signal to subscriber substations including an input coupling module for coupling a main video signal and a power signal such that the communication devices in the subscriber substation can be powered by the subscriber power signal in the absence of electrical power from the power utility [claim 1]. As taught by Reddick, using such feature, a reliable power signals can be provide to

numerous subscriber substation from a main cable carrying both video and power signals with a degree of efficiency and economy [col. 3 line 65 to col. 4 line 3].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Horning with the receiving of backup/secondary power via communication cabling from an external power source of Flannery, Ashton, or Reddick for the reason discussed above.

11. As per claim 131-132, it is noted that the limitation of claims 131-132 is the same as of claim 130. As demonstrated previously, the combination of Horning and Flannery, Ashton, or Reddick anticipated the limitation in claim 130.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Examiner's note:**

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Prior Art not relied upon:**

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

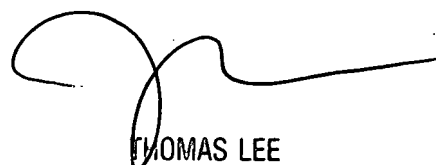
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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